

## **REMARKS**

Claims 171-176 are pending in the above-identified application, and were rejected. With this Amendment, claim 171 was amended. Accordingly, claims 171-176 remain at issue.

### **I. Objection To Specification**

The Abstract of the disclosure was objected to because of a typographical error. In response, Applicants have amended the Abstract. Accordingly, Applicants respectfully request withdrawal of this objection.

### **II. Objection To Claims**

Claims 171-176 are objected to because of an informality. In response, Applicants have amended claim 171. Accordingly, Applicants respectfully request withdrawal of this objection.

### **III. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 171-176 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

Applicants have amended claim 1 to clarify which layer is in contact with the cap layer. Accordingly, Applicants respectfully request withdrawal of this rejection.

### **IV. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 171-173 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schetzina (U.S. Patent No. 5,670,798). Applicants respectfully traverse this rejection.

Claim 171 is directed to a semiconductor light emitting device. The device comprises an active layer, an optical guide layer, a cap layer, and a p-type clad layer. The active layer is made of a first nitride III-V compound semiconductor containing In and Ga. The optical guide layer is

in contact with the active layer and made of a second nitride III-V compound semiconductor containing Ga. The cap layer in contact with the optical guide layer and made of a third nitride III-V compound semiconductor containing Al and Ga. The a p-type clad layer is in contact with the cap layer and made of a fourth nitride III-V compound semiconductor containing Al and Ga and different from the third nitride III-V compound semiconductor.

Schetzina discloses an integrated heterostructure device of Group III-V nitride compound semiconductor materials. (See col. 10, lines 12-15.) The heterostructure device includes a semiconductor device 110 formed of Group III-V nitride compound semiconductors, and two ohmic contacts 120a , 120b grown on a multicomponent platform 130. (See col. 10, lines 15-21.) Semiconductor device 110 includes an active region 112 and two cladding layers 114a and 114b. (See col. 10, lines 36-39.) Thus, Schetzina discloses that the AlGaIn layer is a cladding layer. Contrary to the Examiner's analysis, the AlGaIn layer does not act both as a cap layer and a clad layer. Thus, Schetzina does not disclose or suggest a cap layer in contact with the optical guide layer and made of a third nitride III-V compound semiconductor containing Al and Ga, as required by claim 171. Accordingly, claim 171 and claims 172-173 that depend from claim 171 are allowable over Schetzina, and Applicants respectfully request withdrawal of this rejection.

**V. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 174-176 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schetzina. Applicants respectfully traverse this rejection.

As discussed above, Schetzina does not disclose or suggest a cap layer in contact with the optical guide layer and made of a third nitride III-V compound semiconductor containing Al and


Ga, as required by claim 171. Thus, it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to modify claim 171 to derive claims 174-176.

**VI. Conclusion**

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully request early and favorable notification to that effect.

Respectfully submitted,

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